

The article was alleged to be misbranded in that the statement "Tomato Juice" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing added water.

On August 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27636. Adulteration and misbranding of egg noodles. U. S. v. 192 Cases, 257 Cases, and 70 Cases of Egg Noodles. Default decree of condemnation. Product delivered to a welfare organization. (F. & D. Nos. 39927, 39928, 39929. Sample Nos. 27064-C, 27065-C, 27066-C.)

This product was colored with annatto.

On June 30, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 519 cases of noodles at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1937, by V. Viviano & Bros. from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bags) "DeLuxe Supreme Quality * * * V. Viviano & Bros. Macaroni Mfg. Co., Inc. Pure Egg Noodles Made With Fresh Egg Yolks."

It was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Pure Egg Noodles Made with Fresh Egg Yolks" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was colored with annatto.

On July 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

27637. Misbranding of honey. U. S. v. 87 Cases of Honey. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39955. Sample Nos. 43948-C, 44115-C.)

This product was short of the declared weight.

On July 9, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of honey at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 24, 1937, by Whitefield Citrus Products Corporation, from Bradenton, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "Florida Sun-sealed Pure Honey Net Contents 1 Pound 2 Ozs. Florida Sunsealed Products Corp. Bradenton, Florida."

The article was alleged to be misbranded in that the statement "Net Contents 1 Pound 2 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 31, 1937, Southern Grocery Stores, Inc., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to claimant under bond conditioned that it be relabeled to show the correct weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

27638. Adulteration and misbranding of Grape and Cherry True Fruit Flavors. U. S. v. 47 Cases of True Fruit Flavors. Default decree of condemnation and destruction. (F. & D. No. 39930. Sample Nos. 20881-C, 20882-C.)

These products were represented to be true fruit flavors; whereas they were artificially colored acid solutions containing artificial flavor, and little or no fruit juices.

On July 3, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases, each containing—among other products—a number of bottles of Grape and Cherry True Fruit Flavors, at Providence, R. I., alleging that the articles had been shipped in interstate com-

merce on or about June 2, 1937, by the Highland Importing Co. from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "Polar Bear True Fruit Flavor Cherry [or "Grape"] Contains True Fruit Flavor, Natural Fruit Acid * * * Highland Importing Co., Boston, Mass."

They were alleged to be adulterated in that artificially colored acid solutions and artificial flavor containing little or no fruit juices had been substituted wholly or in part for cherry or grape true fruit flavors, which they purported to be; and in that they were mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser, "True fruit flavor Cherry [or "Grape"] * * * True Fruit Flavors"; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, cherry or grape true fruit flavors.

On August 11, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27639. Adulteration and misbranding of lemon cocktail mixer. U. S. v. 59 Jugs of Lemon Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. No. 39985. Sample No. 56104-C.)

This product was labeled to convey the impression that it could be used as a base for fruitade. Examination showed that it consisted essentially of water, artificial color, lemon oil flavor, and citric acid, with little or no lemon juice.

On July 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 gallon jugs of lemon cocktail mixer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 15, 1937, by the California Fruit Products Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part as follows: "Spatola Brand Lemon Cocktail Mixer 2 Tablespoonsful equivalent to the juice of one lemon. Packed for Felix Spatola & Sons Philadelphia."

It was alleged to be adulterated in that an artificially colored mixture of water, lemon oil flavor, and citric acid containing little or no lemon juice, had been substituted wholly or in part for the article; and in that it had been mixed and colored in a manner whereby its inferiority was concealed.

It was alleged to be misbranded in that the statement, "Lemon * * * 2 Tablespoonsful equivalent to the juice of one lemon," was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting essentially of water, artificially colored, lemon oil flavor, and citric acid, with little or no lemon juice; and in that it was an imitation of another article.

On July 21, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27640. Adulteration of prunes. U. S. v. 694 Bags of Dried Prunes. Consent decree of condemnation. Product released under bond for sorting and destruction of unfit portion. (F. & D. No. 39951. Sample No. 26299-C.)

This product was in part insect-infested and decomposed.

On July 7, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 694 bags of dried prunes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about April 15, 1937, by Jack Gomperts Co. from Santa Clara, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 23, 1937, the D. B. Scully Syrup Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the court ordered the product released under bond conditioned that it be cleaned and sorted and all unfit portions destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*